

United States District Court for the Middle

District of Tennessee

Dr. Joseph Ciccio, et al.

Plaintiff,

vs.

Case No. 3:19-cv-00845

SmileDirectClub, LLC, et al.

Defendant.

## NOTICE OF APPEAL

Notice is hereby given that SmileDirectClub, LLC,  
*Name all parties taking the appeal*

hereby appeal to the United States Court of Appeals for the Sixth Circuit from

Order Denying Motion to Compel Arbitration (ECF #117)  
*The final judgment, from an order describing it*

entered in this action on the 17th day of July, 2020.

(s) Elizabeth O. Gonser

Address: Riley Warnock & Jacobson

1906 West End Ave.

Nashville, TN 37203

Attorney for SmileDirectClub, LLC

**Note to inmate filers:** If you are an inmate confined in an institution and you seek the timing benefit of Fed. R. App. P. 4(c)(1), complete Form 7 (Declaration of Inmate Filing) and file that declaration along with this Notice of Appeal.

cc: Opposing Counsel   
Court of Appeals

6CA-3  
11/16

Respectfully submitted by:

s/ Elizabeth Gonser

John R. Jacobson (BPR 14365)  
Elizabeth O. Gonser (BPR 26329)  
Riley Warnock & Jacobson, PLC  
1906 West End Avenue  
Nashville, TN 37203  
T: (615) 320-3700  
F: (615) 320-3737  
[jjacobson@rwjplc.com](mailto:jjacobson@rwjplc.com)  
[egonser@rwjplc.com](mailto:egonser@rwjplc.com)

Nicholas J. Secco (*pro hac vice*)

Lally A. Gartel (*pro hac vice*)  
Benesch, Friedlander, Coplan and Aronoff, LLP  
71 South Wacker Drive, Suite 1600  
Chicago, IL 60606  
T: (312) 212-4949  
[nsecco@beneschlaw.com](mailto:nsecco@beneschlaw.com)  
[lgartel@beneschlaw.com](mailto:lgartel@beneschlaw.com)

Michael D. Meuti (*pro hac vice*)

Mark K. Norris (*pro hac vice*)  
Benesch, Friedlander, Coplan and Aronoff, LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114  
T: (216) 363-4500  
[mmeuti@beneschlaw.com](mailto:mmeuti@beneschlaw.com)  
[mnorris@beneschlaw.com](mailto:mnorris@beneschlaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF Filing System this the 17th day of July, 2020.

Edward M. Yarbrough  
W. Justin Adams  
Bone McAllester Norton PLLC  
511 Union Street, Suite 1600  
Nashville, TN 37219  
eyarbrough@bonelaw.com  
wadams@bonelaw.com

Robert K. Spotswood  
Michael T. Sansbury  
Joshua K. Payne  
Spotswood Sansom & Sansbury LLC  
Financial Center  
505 20th Street North, Suite 700  
Birmingham, AL 35203  
rks@spotswoodllc.com  
msansbury@spotswoodllc.com  
jpayne@spotswoodllc.com

Richard Stone  
Blackner, Stone & Assocs.  
123 Australian Avenue  
Palm Beach, FL 33480  
rstoneesq@aol.com

/s/ Elizabeth O. Gonser